



PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant : Barry et al.
Serial No. : 10/627,342
Title : Transfer and Positioning Apparatus for
Automated Conveyor System
Group Art Unit : 1743

PETITION UNDER 37 CFR 1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

This is a Petition under 37 CFR 1.47(a) to file an application where a joint inventor refuses to sign or cannot be reached. In this case, one of the ten joint inventors has not responded to a request to sign a Declaration and assignment for the application. Since the request was received by the non-signing inventor, the absence of response is presumed by the applicant to be a refusal to sign. The pertinent facts and proof are as follows.

On October 21, 2003 a letter was sent to Tom Bybee, a joint inventor in the above-identified patent application, requesting that Mr. Bybee sign a declaration for the application, and an assignment of the application. A copy of the letter is attached hereto. Mr. Bybee was an employee of LAB-InterLink, Inc. at the time of the invention, but was since terminated from that position, prior to the preparation of the patent application identified above.

The letter was delivered to Mr. Bybee on October 23, 2003, as indicated in the copy of the Return Receipt, attached to the copy of the letter. It is also noted in the letter that a failure to respond to the request by October 31, 2003 would be

presumed to indicate an unwillingness to sign. As of the date of this Petition, no response has been received from Mr. Bybee.

The remaining joint inventors hereby petition the Patent Office to receive and prosecute the above patent application on behalf of the non-signing inventor, in accordance with the provisions of 37 CFR 1.47(a). This Petition is accompanied by the requisite fee of \$130.00 under 37 CFR 1.17(h), and the address of the non-signing inventor is as follows:

Tom Bybee
10285 Grand Ave.
Omaha, NE 68134

It is believed that the requirements of 37 CFR 1.47(a) have been met, and it is therefore requested that this Petition be granted.

If any further information is required to expedite this process, please feel free to contact the undersigned.

Respectfully submitted,



George R. Nimmer
Registration No. 21,004
Attorney of Record

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LAB-InterLink

SENDER: COMPLETE THIS SECTION

1011 South S...

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**TOM BYBEE
10285 GRAND AVE
OMAHA, NE 68134**

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Betty Bybee

Agent

Addressee

B. Received by / Printed Name

Betty Bybee

10-23-03

C. Date of Deliver

D. Is delivery address different from Item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- | | |
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| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input type="checkbox"/> Return Receipt for Merchandise |
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4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service label)

7002 3150 0006 4289 3321

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-15-

Via Certified Mail

Dear Tom:

You have been identified as an original inventor for the pending patent(s), therefore, enclosed please find Declaration and Assignment documents for the following patent application(s):

- Specimen Carrier Transfer Apparatus for a Conveyor Track
- Transfer and Positioning Apparatus for Automated Conveyor System
- Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003. If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely,

Maria Russell
 Director, Administration
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